

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:09-CR-91
)	(VARLAN/SHIRLEY)
DAMIEN OSHEA ELMORE,)	
)	
Defendant.)	

AMENDED ORDER

This criminal action is before the Court to amend its previously entered Memorandum and Order [Doc. 38], overruling the defendant's objections to the Report and Recommendation [Doc. 35], granting in part and denying in part the defendant's motions to suppress [Doc. 12; Doc. 19], and accepting in whole the Report and Recommendation [Doc. 32] entered in this case. Pursuant to Federal Rule of Civil Procedure 60(a) and due to a citation error, the Court hereby amends the paragraph beginning on the bottom of page 11 and continuing on to page 12, whereby the second sentence of that paragraph is DELETED and the following is SUBSTITUTED in lieu thereof:

Instead, "granting establishment of the primary illegality," only evidence "come at by exploitation of that illegality" is considered fruit of the poisonous tree. *Wong Sun*, 371 U.S. at 488 (quoting *Maguire*, *Evidence of Guilt*, 221 (1959)).

In all other respects, the Memorandum and Order [Doc. 38] is hereby AFFIRMED.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE